

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRENDA M. JOHNSON,

CASE NO. C21-5212 BHS

Plaintiff,

ORDER

WELLS FARGO,

Defendant.

THIS MATTER is before the Court on Magistrate Judge Creatura's Report and Recommendation ("R&R"), Dkt. 7, recommending that the Court deny Plaintiff Brenda Johnson's Motion for Leave to proceed *in forma pauperis*, Dkt. 5, and dismiss her proposed complaint without prejudice.

Judge Creatura had previously concluded that Johnson had failed to state a plausible claim and ordered her to file a proposed amended complaint by August 16, 2021. Dkt. 6. She did not do so, and the R&R recommends dismissing the case without prejudice.

Johnson has not Objected to the R&R under Rule 72. She instead sought to untimely file an amended complaint on September 9, 2021, Dkt. 8, and moved to recuse Judge Creatura, Dkt. 10.

A district judge must determine de novo any part of a magistrate judge's proposed disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3). A proper objection requires specific written objections to the findings and recommendations in the R&R. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Objections to a R&R are not a vehicle to relitigate the same arguments carefully considered and rejected by the magistrate judge. *See, e.g., Fix v. Hartford Life & Accident Ins. Co.*, CV 16-41-M-DLC-JCL, 2017 WL 2721168, at *1 (D. Mont. June 23, 2017) (collecting cases)

Plaintiff Johnson did not object to the R&R, and she did not timely file a proposed amended complaint stating a plausible claim. The R&R, Dkt. 7, is therefore **ADOPTED** and this matter is **DISMISSED** without prejudice. The pending motion, Dkt. 10, is **DENIED** as moot.

The Clerk shall enter a **JUDGMENT** and close the case.

IT IS SO ORDERED.

Dated this 14th day of September, 2021.


BENJAMIN H. SETTLE
United States District Judge